

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-259-S - ORDER NO. 2005-82  
FEBRUARY 22, 2005

IN RE: Application of Bush River Utilities, Inc. for ) ORDER EXTENDING  
Approval of a New Schedule of Rates and ) ISSUANCE DATE OF  
Charges for Sewerage Service provided to ) MERITS ORDER  
Commercial Customers in all Areas Served.

This matter comes before the Public Service Commission of South Carolina (the Commission) for consideration of an extra five (5) days to issue the Order in this sewer rate case docket involving Bush River Utilities, Inc. (Bush River or the Company). S.C. Code Ann. Section 58-5-240 (C )(Supp. 2004) requires this Commission to rule and issue its order approving or disapproving any rate changes in full or in part within six months after a rate change request is filed. S.C. Code Ann. Section 58-5-240 (D) (Supp. 2004), however, states that should the Commission determine that it cannot, due to circumstances reasonably beyond its control, issue such order within the six-month period prescribed by this section, the Commission may, by order, extend the six-month period for an additional five days. In the present case, we believe that such circumstances exist, and we hereby order an extension of the issuance date of the merits order in this case from February 22, 2005, to February 28, 2005.<sup>1</sup>

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<sup>1</sup> Although the date would ordinarily only be extended to February 27, 2005 under the statute's five-day provision, the fifth day falls on a Sunday. Under 26 S.C. Code Ann. Regs. 103-842, the last day of a required time period for a "pleading" shall be included for counting, unless that day is a Saturday, Sunday, or legal holiday. We hold that the same calculation is applicable to the calculation of time for the five day extension for order issuance under S.C. Code Ann. Section 58-5-240 (D) (Supp. 2004) as well.

The “circumstances reasonably beyond our control” are clear in this matter. Because of the Commission’s attendance at a national Commissioner’s meeting sponsored by the National Association of Regulatory Utility Commissioners (NARUC), we were not able to vote on the merits in this case in regular session until February 17, 2005. The merits Order is due for issuance on February 22, 2005, and we would note that February 21, 2005 is a State holiday. Thus, the February 22, 2005 issuance date does not give the Commission or the Staff sufficient time to prepare and review the merits order regarding this Docket. The additional five (actually six) days allows for proper preparation and a full review of all aspects of the merits order in this very complex sewer case. Accordingly, we make the following

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The matter under consideration is an additional five (5) days to issue the merits order in this Docket as allowed by S.C. Code Ann. Section 58-5-240(D)(Supp. 2004).
2. The actual extension would be from February 22, 2005 to February 28, 2005, due to the fact that the fifth day of the extension falls on a Sunday.
3. There are clearly “circumstances beyond our control” existing in this instance that warrant the extension for issuance of the merits order in this Docket.
4. Due to attendance at a NARUC meeting, this Commission was not able to vote on the merits of this case until February 17, 2005. The merits order is due to be issued on February 22, 2005. February 21, 2005 is a State holiday. Under the present

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Accordingly, the date for order issuance in this case shall be extended to Monday, February 28, 2005, instead of Sunday, February 27, 2005.

schedule, there is insufficient time for preparation of the Order and proper review of the Order by Staff and Commissioners.

5. The time for issuance of the merits order in this case should be extended to February 28, 2005.

**ORDER**

It is therefore ordered that the time for issuance of the merits order in this Docket shall be extended to February 28, 2005. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)